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**Women's Advocate and Anti-Stalking Groups Invited to Join *Amicus Curiae* Support for Law Professor in Sexual Harassment/Workplace Violence Case, *Martin v. Howard University***

Washington, D.C. – On May 7, 2007, Dawn Martin, Esq., filed her *Motion for Summary Reversal* in the U.S. Court of Appeals for the D.C. Circuit, in *Martin v. Howard University*, Appeal # 06-7157 (precedent-setting district court at 1999 U.S. Dist. LEXIS 19516; 81 Fair Empl. Prac. Cas. (BNA) 964; 15 I.E.R. Cas. (BNA) 1587 (D.D.C. 1999). On April 5, 2007, the **National Association of Women Lawyers** (NAWL) filed a *Motion to Participate as Amicus Curiae* (link on <http://www.dvmartinlaw.com/MartinvHowardU.html>) to write a brief in support of Ms. Martin, a former law professor. Groups interested in joining the *amicus* effort may contact Ms. Martin or Roberta Wright, Esq., local counsel for NAWL, at (301) 526-0474.

On appeal, *Martin* will set precedent as the first case considering the concept of “gender profiling” in employment. “Gender profiling” has been recognized in the context of law enforcement abuse, but it has not been considered in the workplace. Prof. Martin was harassed in her workplace by a serial stalker, based on “gender profiling,” or harassment on the basis of gender. The application of “gender profiling” to sexual harassment cases will also set precedent for racial, ethnic, religious profiling workplace harassment cases.

In 1999, Judge Hogan set precedent on another issue in *Martin*, holding that an employer can be held liable for the sexual harassment of an employee, by a non-employee, if the employer knew or should have known of the harassment and failed to take reasonable steps to stop it. Prof. Martin was stalked on campus by a delusional, homeless stranger with a criminal record, Leonard Harrison. Harrison had been targeting African-American female professors since the mid-1980s, searching for his “natural wife.” Harrison described this “wife” as the physical embodiment of a fictitious female character, Geneva Crenshaw, in a book, written by NYU professor, Derrick Bell. Harrison confronted Prof. Bell in 1990, at Harvard, demanding the name of the “real” Geneva Crenshaw. Bell described the confrontation as the “most frightening experience of my career.”

In his 1999 decision (link on <http://www.dvmartinlaw.com/MartinvHowardU.html>), Judge Hogan identified the questions for the jury as whether: 1) Harrison’s harassment was severe and pervasive enough to constitute a hostile work environment; and 2) Howard took reasonable steps to end it. The jury found that Harrison’s harassment *did* create a “hostile work environment” for Prof. Martin. The jury further agreed with Prof. Martin that Howard’s administrators did not take reasonable steps to end it. The former Law School Dean, Alice Gresham Bullock, *mocked* Prof. Martin to the EEOC, stating that “Martin was dissatisfied” with her response and seemed to want her to “wrestle the stalker down;” however, Prof. Martin had only asked that Howard follow its own security policy and ban Harrison from campus. Instead, Prof. Martin was removed from the faculty. Prof. Isaiah Leggett, now Montgomery County Executive, was the Chairperson of the Appointments Committee at the time of Prof. Martin’s rejection. In an attempt to justify Howard’s selection of a less experienced professor to replace Prof. Martin to teach EEO law, Prof. Leggett used a “football” analogy, testifying that the less experienced “rookie” might be better for the team in the long-run. Howard used this analogy in its closing argument, seeming to admit to *age discrimination* rather than retaliation.

Despite the factual findings in Ms. Martin’s favor, the jury verdict was for Howard. Misunderstanding some legal definitions, the jury found that the harassment was *not based on sex* – meaning that Prof. Martin’s complaints were not “protected activity” under Title VII of the Civil Rights Act. The verdict is inconsistent with Judge Hogan’s 1999 and 2005 decisions, holding that that Harrison’s conduct was “based on sex;” yet, Judge Hogan refused to vacate the verdict. *If not reversed, this decision leaves a woman with absolutely no remedy for being stalked in her workplace or being fired in retaliation for complaining about it.*